



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
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Ref: 8ENF-L

John R. Jacus
Davis Graham & Stubbs LLP
1550 17th Street, Suite 500
Denver, CO 80202
VIA E-MAIL

Dear Mr. Jacus:

As we discussed on Wednesday, November 1, 2000, I am forwarding a list of EPA's major concerns with Hecla's revised Soil Sampling and Analysis Work Plan, and Leachate and Runoff Work Plan submitted on September 18, 2000. As I noted in our telephone conversation, EPA does not see any value to undertaking another round of comments on the work plans. The attached major concerns must be addressed in Hecla's work plans or the plans cannot be approved.

We would like to continue with the progress that has been made under the RCRA § 3013 order, as well as on the proposed RCRA § 7003 order. Proceeding under RCRA, however, would likely no longer be an option if Hecla's work plans are disapproved. To that end, please let me know by Wednesday, November 8, 2000, if Hecla intends to amend its work plans to incorporate EPA's major concerns.

Sincerely,

/s/

Lauren C. Buehler
Enforcement Attorney

cc: Linda Jacobson, ENF-T



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Hecla Workplan Comment Responses: Major Areas of Concern

1. Refusal to sample historic drainage ditch to stock watering pond and pond itself.
2. Refusal to identify potential receptors and exposure pathways.
3. Analytical Methods/Sample Collection:
 - a) It is anticipated that multi phase samples will be collected in the saturated zone of the wastepile: the work plans must discuss how this will be addressed.
 - b) Hecla has not agreed to perform sampling and analysis adhering to SW-846 procedures and methods.
 - c) Hecla has not broadened the list of constituents to be sampled to include all of those requested by EPA.
 - d) Hecla has narrowed the scope of the one sampling event proposed and does not comply with EPA's requested list of constituents, sampling containers, etc.
 - e) Hecla refuses to gather samples for soil property analysis which is relevant to contaminant migration, speciation, etc.
 - f) Hecla should not decontaminate where they are sampling, i.e., the Pond 2 cap.
 - g) Hecla does not specify the labs to be used.
 - h) Hecla will not collect background samples for surface water.
4. Hecla refers to the Pond 2 wastes as mineral beneficiation wastes. Hecla refuses to containerize, characterize, and properly manage investigation waste, such as drill cuttings, PPE, etc.
5. Hecla asserts the asphalt liner is in good condition because the exposed portions looked fine in 1995. However, the exposed portions had not been in contact with waste since the early eighties. Hecla has refused to install piezometers or consider directional drilling. Only one shallow well is proposed. A geoprobe unit in conjunction with directional drilling could help define the liner condition and vertical and lateral waste migration.